

HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VAPORPATH, INC., a Washington
corporation,

Plaintiff,

v.

WNA, INC., a Delaware Corporation, and
NOVOLEX HOLDINGS, LLC, a Delaware
limited liability company,

Defendants.

Case No. 3:19-CV-5807-JLR

Noted for September 11, 2020

SECOND STIPULATED MOTION FOR
ADDITIONAL TIME TO RESPOND TO
PLAINTIFF'S MOTION TO COMPEL

I. STIPULATION AND RELIEF REQUESTED

COMES NOW Plaintiff Vaporpath and Defendants WNA, Inc. and Novolex Holdings, LLC (hereinafter "defendants"), by and through their counsel of record, and respectfully move the Court for an order granting an additional one-week extension of time for defendants to respond to plaintiff's Motion to Compel (document no. 38) and for plaintiff to reply. This motion is supported by the Declaration of Ramon B. Henderson.

INTRODUCTION

Plaintiff filed its Motion to Compel on August 26, 2020 with a noted hearing date of Friday, September 2, 2020. On August 28, 2020, defendants notified plaintiff of defendants' intent to file this motion and sought plaintiff's position. Henderson Decl. ¶ 4. At defendants' request, plaintiff agreed to a 14-day extension, which this Court kindly granted. *Id.* As a result of

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SECOND STIPULATED MOTION FOR ADDITIONAL TIME TO
RESPOND TO PLAINTIFF'S MOTION TO COMPEL – Page 1
(Case No. 3:19-CV-5807 JLR)

Hodgkinson
Street
Mephram, LLC

1620 SW Taylor
Suite 350
Portland, OR 97205
(503) 222-1143
(503) 222-1296 (fax)

1 this extension, defendants' Response opposing plaintiff's Motion to Compel is currently due
2 Monday, September 21, 2020 and plaintiff's Reply is due Monday, September 28, 2020.

3 For the reasons discussed below, the parties, **by stipulation**, are requesting **an additional**
4 **week** of time. If granted, the new due date for defendants to respond will be Monday, September
5 28, 2020, and the new due date for plaintiff to reply will be Monday, October 5, 2020.

6 **ARGUMENT**

7 Pursuant to LCR 7(j), a party may move the court for relief from a deadline. This motion
8 is made well in advance of defendants' response deadline of September 21, 2020. The parties
9 request additional time for defendants' Response and plaintiff's Reply for the following reasons.

10 First, the parties have been engaged in ongoing and meaningful mediation and settlement
11 discussions. Because these discussions are potentially productive, both parties prefer to limit the
12 amount of money expended on a Motion to Compel at this time. This additional week will allow
13 the parties to reduce the financial pressure of incurring legal fees on a possibly moot motion
14 while the parties continue with settlement discussions. While it is impossible to predict with any
15 accuracy whether the case will be settled in the near future, without this extension, the parties
16 will be forced to continue incurring attorney's fees in order to meet judicial deadlines while
17 simultaneously working toward an agreeable resolution. These two competing goals may impede
18 any possible resolution and increase the parties' reliance on the Court in this matter.

19 Second, the discovery cutoff in this case is not until January 26, 2021, giving the parties
20 nearly four months to complete discovery. An additional one-week extension will not unfairly
21 prejudice either parties' ability to obtain relevant discovery. Furthermore, granting this motion
22 for an extension of time would not create any foreseeable conflicts. Other than the hearing for
23 plaintiff's Motion to Compel, there is currently nothing on the case schedule until the discovery
24 cutoff date.

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1 **II. CONCLUSION**

2 For the foregoing reasons, the parties request an order granting an additional one-week
3 extension of time for defendants’ response until Monday, September 28, 2020, and until
4 Monday, October 5, 2020 for plaintiff’s reply.

5 DATED this 11th day of September, 2020.

6
7 */s/ Jeff Bone*

8 _____
9 Jeff Bone, WSBA No. 28169
10 CORR CRONIN LLP
11 1001 Fourth Avenue, Suite 3900
12 Seattle, WA 98154
jbone@corrcronin.com
Attorney for Plaintiff


/s/ David S. Mephram

_____ David S. Mephram, WSB No. 21087
HODGKINSON STREET MEPHAM, LLC
1620 SW Taylor Street, Suite 350
Portland, OR 97205
dsm@hs-legal.com
Attorney for Defendants

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14
15 **III. ORDER**

16 IT IS SO ORDERED that, for good cause shown, the Court will grant an additional one-
17 week extension of time for defendants to file a Response to plaintiff’s Motion to Compel until
18 Monday, September 28, 2020 and for plaintiff to file a Reply until Monday, October 5, 2020.
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21 Dated: September 14, 2020



HONORABLE JAMES L. ROBART
United States District Court Judge

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1 Presented by:

2 HODGKINSON STREET MEPHAM, LLC

3

4 /s/ David S. Mepham

David S. Mepham, WSBA No. 21087

5 1620 SW Taylor Street, Suite 350

6 Portland, Oregon 97205

(503) 222-1143 (phone)

7 dsm@hs-legal.com

8 *Attorney for Defendants*

9 CORR CRONIN LLP

10

11

Blake Marks-Dias, WSBA No. 28169

12 Jeff Bone, WSBA No. 43965

13 1001 Fourth Avenue, Suite 3900

Seattle, Washington 98154

(206) 625-8600 (phone)

14 bmarksdias@corrchronin.com

15 jbone@corrchronin.com

16 *Attorneys for Plaintiff*

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IN THE UNITED STATES DISTRICT COURT
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Case No. 3:19-CV-5807

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jeff Bone
Blake Marks-Dias
Corr Cronin LLP
1001 Fourth Ave., Ste. 3900
Seattle, WA 98154-1051
(206) 625-0999 (fax)
jbone@corrchronin.com
bmarks-dias@corrchronin.com
Of Attorneys for Plaintiff

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1 And by regular mail.

2 DATED: September 11, 2020.

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HODGKINSON STREET MEPHAM, LLC

By: /s/ David S. Mepham
David S. Mepham, WSB No. 21087
dsm@hs-legal.com
(503) 222-1143
(503) 222-1296 (fax)
Of Attorneys for Defendants